



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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MAY 28 2004

Application No.: 09/937,362

Confirmation No.: 7900

Filed: December 17, 2001

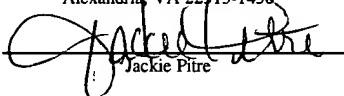
Inventor(s):

Philippe Magnier

Title: DEVICE FOR
PREVENTION AGAINST
EXPLOSION OF
ELECTRICAL
TRANSFORMERS

§ Examiner: Luk, L. W.
§ Art Unit: 2838
§ Atty. Dkt. No: 5310-03400

OFFICE OF PETITIONS

<p>CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8</p> <p>DATE OF DEPOSIT: 5/18/04</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to:</p> <p>Commissioner for Patents Alexandria, VA 22313-1450</p> <p> Jackie Pitre</p>
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PAYMENT OF ISSUE FEE

MAIL STOP: ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

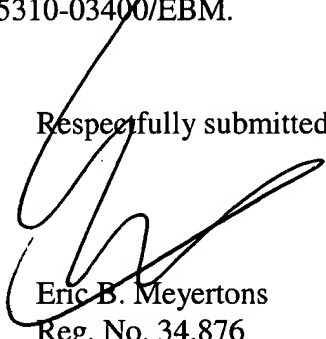
Please find enclosed:

- 1) Issue Fee Transmittal Form PTOL-85B (1 page);
- 2) Submission of Formal Drawings (1 page);
- 3) Formal Drawings (Figures 1-6 on 5 sheets);
- 4) Request for Reconsideration of Patent Term Adjustment; and, Application of Patent Term Adjustment (4 pages);
- 5) Comments on Statement of Reasons for Allowance (2 pages);
- 6) A fee authorization in the amount of \$1,545.00 (2 pages); and
- 7) A return postcard evidencing receipt of these materials.

Phillipe Magnier
09/937,362

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5310-03400/EBM.

Respectfully submitted,



Eric B. Meyertons
Reg. No. 34,876

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

Date: 5/18/04



PATENT

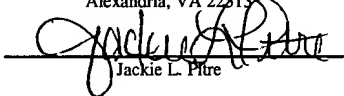
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REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT; AND,
APPLICATION FOR PATENT TERM ADJUSTMENT

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby requests reconsideration of the patent term adjustment for the above-referenced application.

On February 18, 2004 the Patent Office mailed a Notice of Allowance for the above-referenced application to Applicant's undersigned representative. The Notice of Allowance indicated that the patent term adjustment for the above-referenced application is 0 days, if the issue fee is paid on the date three months after the mailing date of the notice of allowance and the patent issues on the Tuesday before the date that is 28 weeks after the mailing date of the Notice of Allowance. Applicant respectfully disagrees with the patent term adjustment indicated in the

notice of allowance. Applicant believes that the proper patent term adjustment should be 165 days for the reasons set forth in detail below.

Applicant filed the above-referenced application on September 21, 2001. Applicant satisfied all of the requirements of U.S.C. § 371 on December 17, 2001. The application filing date is, therefore, December 17, 2001. On August 4, 2003, an Office Action for the above-referenced application was mailed to Applicant's representative. This was the first notification under 35 U.S.C. § 132 or 35 U.S.C. § 151 received by Applicant for the above-referenced application. The mailing date of the Office Action is more than 14 months after the filing date of the application. Under the provisions of 37 C.F.R. § 1.702(a)(1) Applicant believes that the above-referenced application is entitled to a patent term adjustment.

The period of adjustment for extension of the patent term for the above-referenced application can be calculated under the provisions of 37 C.F.R. § 1.703(a)(1). The application has a filing date of December 17, 2001. The day after the date that is fourteen months after the date on which the application was filed is February 18, 2003. The first Office Action was mailed on August 4, 2003. The patent term extension is, therefore, the number of days from February 18, 2003 until August 4, 2003, or 168 days.

A period of adjustment for reduction in patent term for the above-referenced application can be calculated under the provisions of 37 C.F.R. § 1.704(b). The first Office Action was mailed on August 4, 2003. A response to the Office Action was due 3 months from the mailing date of the Office Action, or November 4, 2003. The day after the date that is three months after the date on which the Office Action was mailed is November 5, 2003. Applicant filed a response with the Patent Office on November 4, 2003, which was received by the Patent Office on November 7, 2003. The reduction of the period of adjustment of the patent term for the response to the first Office Action is therefore 3 days.

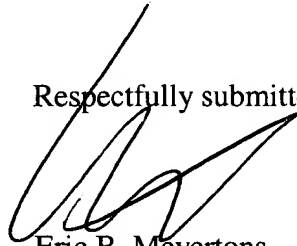
The total patent term adjustment is the difference of the patent term extension, 168 days, and the patent term reduction, 3 days. The total patent term adjustment should therefore be 165 days.

No terminal disclaimer has been filed for the above-referenced application.

09/937,362
Philippe Magnier

Applicant has included a fee authorization that includes an authorization for the payment of the fees for filing an application for patent term extension. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5310-03400/EBM.

Respectfully submitted,



Eric B. Meyertons
Reg. No. 34,876

Attorney for Applicant

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